

MEN'S LIBERTY IS COMPROMISED

Bitter Prosecution of Three Innocent Men Ends in Two Years Sentence.

SIX JURYMEN FOR ACQUITTAL

But Were Persuaded Into a Compromise by Other Jurors.

VERDICT ALLOWED TO STAND.

First Day of September Term Fixed to Sentence Lindle, McIntosh and Johnson.

WILL THEN HEAR THE

MOTIONS FOR NEW TRIAL

Meanwhile Three Men Are Deprived of Their Liberty.

VISITED BY MANY FRIENDS.

The notable trial of J. B. Lindle, Wade McIntosh, Scott Penrod, Johnson Williams and Ed Johnson under indictment for killing Henry Taylor in the Carbondale clash of marching union men came to a close Sunday morning about 10:30 o'clock, when the jury rendered a verdict of two years imprisonment at hard labor against J. B. Lindle, Wade McIntosh and Ed Johnson, and acquitted Scott Penrod. The other defendant, Johnson Williams had been dismissed by the court early in the trial, the testimony produced by the prosecution failing to develop any conspiracy on the part of the officers, and proving that Williams was not in the fight.

The indictment charged conspiracy on the part of all the defendants to murder or do great bodily harm to Henry Taylor, William Cook and others and the prosecution put up the semblance of a fight to the end for conviction as charged in the indictment and a life sentence.

The speeches of Judge Yost, Bob Thomas and Commonwealths Attorney Grayot were extremely bitter, going outside the case continually and appealing to the basest passions and prejudices of men. The bill of objections filed by the attorneys for the defense charge the Commonwealth's Attorney with using "inflammatory, incendiary and abusive language" in his speech to the jury. Judge Yost opened his speech with the statement that "this was one of the greatest political questions that ever invaded the Commonwealth," and the defendants were made the scapegoat for the alleged monstrosities of the various corporations doing coal mining business in Hopkins County.

Below is appended the court's charge to the jury, the defense's bill of exceptions and the affidavit of the jurors stating the verdict was arrived at by compromise.

The regular term of court expired at 12 o'clock Saturday night. That was the term for which the jury was summoned to try the case. The jury had not reached a verdict at the expiration of the term and the court convened a special session on Sunday to receive the verdict and to complete some other unfinished business of the regular term.

After the verdict was received the court had brought before him

two negro boys, who had been found guilty of felony some days previous and passed sentence of seven years on one and three years on the other. The seven year sentence was upon the Scott boy for the accidental but criminally careless shooting of Miss Graham at St. Charles during last December.

At one o'clock the court reconvened and the attorneys for the defense offered their bill of exceptions accompanied with the affidavit of the jurors and asked for a new trial. Quite a heated discussion followed. The result of the deliberation was that the court declined to set aside the verdict, declined to pass sentence and act upon the motion for new trial unless the defense should waive all rights to objection on account of the action being taken on Sunday and out of the regular term.

The defense declined to waive any rights and the court ordered the defendants to jail and set the first day of the September session to pass sentence and hear the motion.

Messrs. Lindle, McIntosh and Ed Johnson have been visited by hundreds of friends at the jail this week. Everything possible is being done for their comfort. They are quite cheerful and are bearing their suffering with fortitude.

Motion and Grounds for New Trial.

HOPKINS CIRCUIT COURT.
Commonwealth of Kentucky, Plaintiff, vs. J. B. Lindle and Others, Defendants.

The defendants, J. B. Lindle, Wade McIntosh and Ed Johnson and each of them come and move this honorable court to set aside the verdict returned by the jury and to grant them a new trial of the issues in this cause, because the said verdict was prejudicial to the substantial rights of the defendants, and their substantial rights have been and are prejudiced thereby, and state and show the following grounds for a new trial, that is to say:

First: Because of errors of the court in failing to set aside the indictment.

Second: Because of errors of the court in overruling their demurrer to the indictment.

Third: Because of error of the court in overruling their motion for a continuance.

Fourth: Because of error of the court in summoning and impaneling the jury which tried the case.

Fifth: Because of error of the court in refusing to allow the sheriff to have charge of the jury.

Sixth: Because of misconduct on the part of the Commonwealth's Attorney upon the impaneling of the trial jury in propounding to the persons tested for service the question whether or not they were in any way connected with the St. Bernard Coal Company, the Carbondale Coal Company, the Crabtree Coal Mining Company, the Monarch Coal Company and other coal companies in this county.

Seventh: Because the court erred in excluding from the jury panel many good and qualified citizens and persons for the sole reason that they had at one time formed an opinion from newspaper reports of the occurrence.

Eighth: Because of the refusal of the court to discharge the jury on account of B. E. Laffoon, a salesman made in the course of his voir dire examination in the presence and hearing of certain members of the jury,

that he believed the defendants were guilty.

Ninth: Because the court refused to grant a peremptory instruction to the jury to find the defendants not guilty as to each and all of these three defendants at the close of the evidence for the Commonwealth, and at the close of all of the evidence.

Tenth: Because the court erred in instructing the jury, because each and all of the instructions given to the jury are erroneous, and because the court refused to properly instruct the jury and because the court though duly thereunto moved by the defendants refused to give the whole law of the case to the jury.

Eleventh: Because the court refused to give each and all the instructions marked A. B. C. D. E. and F. presented in writing and asked by the defendants to be given to the jury.

Twelfth: Because of error of the court to permit certain competent evidence to go to the jury as follows: Statements and reasons that witness Press Cummings gave to miners at work in the mine to induce them to quit their work, statements and evidence of Stewart Miller as to contract between the foreign mine owners and United Mine Workers of America; statements and evidence of James Adams and Thomas Horton and Rolan Williams that Kissinger was armed just after the shooting; statements and evidence of Odie Laffoon as to statements of Mine Workers, Jack Wright; statements and evidence of Forrest Stephens, William Smith and Thomas Smith as to statements of W. B. Kissinger made to them; statements and evidence of J. B. Lindle as to the statements made on motion for bail by Commonwealth witnesses Zack Bonnar, John Sherrard, Clarence Sherrard and Jack Kisner and Will Woodruff the transcript of record on motion for bail.

Thirteenth: Because the court erred in admitting incompetent testimony to go to the jury as follows: all the testimony relating to the shooting of Bill Cook by Ed Johnson, all the testimony relating to the alleged efforts of the defendants or any of them to the place of the killing, after the killing; the testimony which defendants were compelled to give as to carrying pistol and guns while acting as guard; the error of the court in requiring the defendants to testify to the presence upon the trial of witnesses named in the affidavit for continuance.

Fourteenth: Because the court erred in charging the jury that the evidence of the defendants' witnesses contradicting the testimony of the Commonwealth's witnesses could be considered by the jury, only for the purpose of affecting the credit of the witness contradicted.

Fifteenth: Because the court erred in not permitting to be filed the amended and supplemented affidavit for a continuance, before requiring defendants to go into trial and in not permitting same to be read to the jury after proof that the attendance of Mrs. Carroll could not be secured.

Sixteenth: For error of the court in refusing to permit the witness, James Harlan, to testify to Chappell's speech at Sennit Laffoon's house.

Seventeenth: Because the court permitted Albert Taylor to testify for the Commonwealth, after having remained in the court room and in hearing of the witnesses testifying on the trial.

Eighteenth: Because of error of the court in permitting the Commonwealth to contradict the defendants as to what occurred at Sennit Laffoon's house and what Chappell there said.

Nineteenth: Because the verdict is against the law and evidence and is not supported by the evidence.

Twentieth: Because the court erred in extending the term of court over to Sunday, June 24, 1901, and because the court held the jury beyond its regular May term, 1901, and permitted the jury to deliberate on Sunday, and permitted the jury to arrive at a verdict on Sunday and at the said extended term.

Twenty-first: Because of its misconduct of the jury.

Twenty-second: Because the jury arrived at its verdict by compromise, and otherwise than

by a fair expression of opinion by the jury and that the verdict is not a fair expression of the opinion of the jurors and is not a true verdict.

Twenty-third: Because the court erred in permitting the Commonwealth's counsel and Commonwealth's attorney in their arguments to the jury to discuss the affidavit for a continuance and to comment upon the presence of the witnesses therein alleged to be the authors because of other improper, inflammatory, incendiary and abusive remarks of the Commonwealth's counsel and Commonwealth's attorney in their address to the jury, which conduct and remarks were improper and objected to at the time by the defendants, and which were not excluded by the court.

Twenty-fourth: Because the court erred in receiving the verdict on Sunday and in the extended term, and because the court has no right to extend the regular term and has no right to render judgment.

They file herewith as a part hereof the affidavit of A. B. Sirey, Roland G. Sisk and W. E. Cates in support of this motion and of these grounds.

J. F. DEMPSEY,
J. M. JAMES,
C. J. WADDELL,
C. J. PRATT,
J. F. GORDON,
Attorneys for Defendants.

HOPKINS CIRCUIT COURT.
Commonwealth of Kentucky, Plaintiff, vs. J. B. Lindle and Others, Defendants.

AFFIDAVIT.

The affiants, R. G. Sisk, W. E. Cates and A. B. Sirey, state that they and three other jurors in this cause, Wilkey, McGregor and Buntin, were during all of the deliberation of the jury in favor of acquittal of the defendants on account of a reasonable doubt of them being found guilty, and were of that opinion when the verdict was agreed to and returned.

They have agreed to said verdict as a matter of and by way of compromise with contending factions on the jury.

A. B. SIREY,
ROLAND G. SISK,
WILLIAM E. CATES,
His N. Mark,
Attest J. F. GORDON.

Subscribed and sworn to before me by A. B. SIREY, ROLAND G. SISK and WILLIAM E. CATES, June 24, 1901.

D. W. GATLIN,
C. H. C. C.

The Instructions.

Following is the instructions of the court:

No. 1. The court instructs the jury that if they believe from the evidence, beyond a reasonable doubt, that in this county and before the finding of this indictment, the defendants, J. B. Lindle, Ed Johnson, Wade McIntosh and W. S. Penrod, did unlawfully, feloniously, and with malice aforethought, confederate, combine, conspire and agree together to wilfully, feloniously and with malice aforethought slay and murder Henry Taylor, or that any two or more of the said defendants did so conspire, confederate and agree together for such purpose, and if the jury further believe from the evidence beyond a reasonable doubt, that in this county and before the finding of this indictment, in pursuance of such conspiracy, combination and agreement, if any, the defendant, J. B. Lindle, did unlawfully, wilfully, feloniously and with malice aforethought, slay and kill the said Henry Taylor by shooting him with a pistol loaded with leaden ball or other hard substance, or that any two or more of the said defendants, or such of them as entered into such combination, conspiracy and agreement, if any, guilty as charged in the indictment, or that they will vex the punishment at death or by confinement in the state penitentiary for life in their discretion.

No. 2. The court instructs the jury that if they believe from the evidence, beyond a reasonable doubt, that the defendants, J. B. Lindle, Ed Johnson, Wade McIntosh and W. S. Penrod, or any two of them, did unlawfully conspire, confederate and combine to assault and kill some great bodily harm to Henry Taylor or some one or more persons who were with said Taylor, acting in concert with him, and that in

BOSTON JUBILEE CONVENTION

Of Young Men's Christian Associations of North America.

HOPKINS COUNTY TO BE REPRESENTED.

Commemorative of the fiftieth anniversary of the beginning of Young Men's Association work in North America, there will be held in Boston, June 11 to 16, one of the most important religious gatherings North America has known, and perhaps the greatest convention ever held in the history of Young Men's Christian Association movement.

The gathering will be notable because of its representative character. Associations have organized in as many as twenty-five countries, and nearly all of these nations will have visitors at Boston.

About thirty English visitors in all are expected to attend the Convention, and one of these is to be Mr. Howard Williams, who comes as a Vice-President of the English National Council, and as a personal representative of his honored father, Sir George Williams, founder of the parent London Association.

A group of eight or ten delegates are coming from France, including Mr. Emil Sautter, the National Secretary. Mr. Jules Siegfried, former Minister of Commerce in the Republic of France, arrived some days ago.

Two delegates are assured from Russia. Mr. Franklin Gaylord, General Secretary and Father Vassilief, a priest of the Greek Church, who has been granted permission by the Holy Synod of that church to attend this Convention. This is a very important recognition by the highest authorities of this work among young men. There will also be two visitors from Finland.

Already twelve hundred delegates are reported as definitely planning to attend the Convention from the United States and Canada, and a thousand more is the number estimated as coming from the States not yet reporting. The delegates list includes railroad presidents, bank presidents, prominent clergymen, military and naval leaders, and men at the forefront in educational, religious, philanthropic and professional life and in commercial and industrial pursuits.

The sessions of the Convention will open Tuesday morning, June 11, and continue through Sunday, June 16, and will be held in Mechanics' Hall, of Boston.

A more imposing list of speakers and a more attractive program could be set forth in scarcely any great meeting.

The phases of Association activity and the work of the organization among varied classes of young men will be presented with strength and dignity, and the relation of the organization to the industrial, educational and religious life of both Christian and non-Christian nations will be set forth.

An extensive and impressive Jubilee exhibit, showing the evolution of the Association work in all departments, will be arranged in the large Exhibition Hall of the Mechanics' building, being open for inspection beginning Monday evening, June 10, and remaining open throughout the Convention. A photograph recently taken of the Hopkins County Y. M. C. A. Committee, will be a part of this Jubilee exhibit, showing the pioneer Committee in the county organization work in Kentucky.

Special rates on all railroads.

Opportunities for thirty-day extensions to ticket limits for return from Boston, also for ten-day stop-overs at Buffalo on returning, where tickets read via Buffalo, are made possible by special arrangement.

GOVERNOR BECKHAM PROCLAIMS.

Importance of Good Roads Movement Urged in Official Document.

FRANKFORT, Ky., June 1.—In response to the good road movement, the governor issued today the following proclamation:

"Commonwealth of Kentucky, Executive Department.—Whereas, the question of better highways is a very important one to the people of this Commonwealth, and one which should engage the attention of the best citizens; and,

"Whereas, Acting under the suggestion of the National Good Road Association, the citizens of Louisville have arranged for the holding of a State Good Road convention in that city June 27 and 28, 1901.

"Therefore, be it known that I, J. C. Beckham, Governor of the Commonwealth of Kentucky, do hereby by this proclamation indorse the object of this meeting, and hereby request that the various County Judges and Mayors throughout the State shall select suitable representatives to attend and participate in the deliberations of said convention, and thereafter in a general movement looking to improved methods of building public highways in our State."

ANARCHY.

Shots Fired Into a Country Church During Services and Two Windows Demolished.

Mr. STEERING, Ky., June 3.—During services at Sycamore church, this county, some scoundrel fired three shots into the church.

One bullet barely missed Mrs. John Trimble and the minister, while Allen Perry was slightly scarred.

The shooting created a panic. The miscreant escaped. It was a narrow escape for the congregation, two windows being demolished by the bullets.

ROWAN COUNTY DRY.

And the Ten Thousand Dollar College Addition Will Be Built.

MOREHEAD, Ky., June 3.—Saturday was a red letter day for the temperance cause in Rowan county. A local option election was held and the "no saloon" people carried every precinct in the county by big majorities. Excitement in town was high, the church bells rang all day, women and children formed in line and paraded the streets with flags and banners, while a brass band made music.

The Christian Woman's Board of Missions will at once begin the erection of a \$10,000 addition to the Normal College.

Labor Unions are Denounced.

PITTSBURG, Pa., June 3.—Discussion of the report of the Committee on Secret Societies took up nearly the entire morning session of the Reformed Presbyterian Synod of America.

Several speakers, including ex-Moderator Foster, denounced labor unions, asserting that they did not leave a free field for labor, held their meetings on Sunday, and that they are pernicious in their influence and wrong in principle.

Contracts have already been closed for the accommodation of 14,820 Knights Templars during the convocation to be held in Louisville in August. The will be July 23, 1900 Knights in attendance.

(Continued on 4th Page.)

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THURSDAY, JUNE 6, 1901.

ANNOUNCEMENTS.

COURT CLERK.

GILLIAND.—We are authorized to announce John R. Gilliland of Haley Precinct, Post Office address St. Charles, a candidate for County Clerk, subject to the action of the Republican party.

MURPHY.—We are authorized to announce C. M. Murphy of Madisonville, a candidate for County Clerk, subject to the action of the West of Hopkins County as the November election.

COUNTY JUDGE.

ZIMMER.—We are authorized to announce F. Z. Zimmer, of Madisonville, a candidate for County Judge, subject to the action of the Republican party.

JAILER.

HARRIS.—We are authorized to announce J. R. Harris a candidate for Jailer, subject to the action of the Republican party.

We are able, by a special stroke of newspaper enterprise, to give our readers today the full text of the speech Mr. Ollie James made before the jury in the Cardinale shooting case at Madisonville last Saturday morning. Many who heard this speech say it is the greatest speech that has ever been made in the present Hopkins county court house.

Courting in the Country.

Who of us does not feel a thrill of pleasure when we recall the happy days of youth and love and that sweet time when all the world seemed bright, smiling and glad, and we were in love, and revelled in the pleasures of the best days we will ever spend this side the eternal divide. Oh, how distinctly do we remember when we began courting our wife and the first time we asked if we could see her home from singing school. Will we ever forget the graceful way she bowed her timid head and began to chew the strings of her sun bonnet? Then taking her silence for consent, we bashfully started down the long stretch of moonlit road for the double log cabin she called home. It was an ideal night, the air seemed full of subtle fragrance wafted from a sea of flowers. The silver moon bathed the woods with mellow beauty. The katydids were singing in the trees along the way and a frightened rabbit scurried across the road.

My heart was thumping against my ribs like an old-fashioned nail against a barn door. We had not spoken a word since we left the school house and it occurred to me this was not the proper way to conduct a love affair. I thought of a thousand things that could be said and kept saying them over to myself to see how they would sound, until by the time I had screwed my courage up to the starting point and was actually beginning to make some remark about the glint of her deep blue eyes or the shimmer of her shining hair, when a turn in the road brought us in front of her gate. The bay of a dog broke the painful silence, and I managed to remark, "that barks like old Ball."

She gave me a scornful glance and said: "Old Ball can bark better than some folks can talk." I blushed up to the roots of my curly hair and with a hurried good-night turned sadly away.

Many years have come and gone since that night, and time has furrowed our cheeks and silvered our hair, but I would give up all I possess and would find again the honors that have been heaped upon me and climb down from the dizzy heights of fame, which I now occupy, if I could only call back those days out of the mellow haze of the by-gone past when I was an innocent, unsuspecting youth and had butter-milk and pumpkin pie for dinner on Sunday.

TEMIE.

MEN'S LIBERTY COMPROMISED.

(Continued from First Page)

pursuance of such conspiracy, if any, or in furtherance thereof, the said J. B. Lindle did shoot and kill Henry Taylor, and if the jury further believe from the evidence beyond a reasonable doubt that such killing was committed in furtherance of said conspiracy, combination or agreement, if any existed, and was the necessary and probable result of the execution of such conspiracy, if any, then the defendants or such of them as entered into such a conspiracy are guilty, although the jury may believe from the evidence that the original purpose was not to procure or bring about the death of Henry Taylor.

No. 3. The Court instructs the jury that if they believe from the evidence beyond a reasonable doubt that in this county and before the finding of this indictment, the defendant J. B. Lindle did unlawfully, wilfully, feloniously and maliciously slay and kill Henry Taylor, the person named in the indictment, by shooting him with a pistol loaded with leaden ball or other hard substance, then the jury will find him guilty and fix his punishment by death or at imprisonment in the state penitentiary for life in their discretion; and if they further believe from the evidence beyond a reasonable doubt that the defendants Ed Johnson, Wade McIntosh and W. S. Penrod were then and there present or near enough to aid and abet in such slaying, or killing of said Taylor and did aid, abet, encourage and assist the said Lindle in wilfully feloniously and with malice aforethought in killing and slaying Henry Taylor, then the jury will find the defendants Johnson, McIntosh and Penrod or such of them as so aided, abetted, encouraged or assisted in such killing, if any did so, guilty as charged and fix their punishment at death, or by confinement in the penitentiary for life, in their discretion.

No. 4. If the jury believe from the evidence beyond a reasonable doubt, that in this county, and before the finding of this indictment, the said J. B. Lindle did unlawfully, wilfully and feloniously, with malice, not in his self-defense, or apparently necessary self-defense, or in an affray, or in sudden heat and passion, and under provocation ordinary or calculated to excite passion beyond control, kill and slay Henry Taylor, the person named in the indictment, by shooting said Taylor with a pistol, loaded with leaden ball or other hard substance, then the jury will find the defendant not guilty of wilful murder, but guilty of voluntary manslaughter, and they will fix his punishment by confinement in the state penitentiary, for not less than two years nor more than twenty-one years in their discretion; and if they further believe from the evidence beyond a reasonable doubt that the defendants, Ed Johnson, Wade McIntosh and W. S. Penrod were then and there present sufficiently near to render assistance, and did wilfully and feloniously and without malice, and in an affray or in sudden heat and passion, and under provocation ordinary calculated to excite passion beyond control, aid, abet, encourage or assist the said Lindle in such shooting and killing, as set out in this instruction, or such killing and slaying by Lindle if he did so, as set out in instruction No. 3, then the jury will find defendants Johnson, McIntosh and Penrod or such of them as so aided, abetted, encouraged or assisted in the killing of said Taylor, if any of them did so, not guilty of murder, but guilty of voluntary manslaughter, and fix their punishment or such of them as are guilty if any, by confinement in the penitentiary for not less than two years nor more than twenty-one years in their discretion.

No. 5. If the jury believe from the evidence beyond a reasonable doubt, that the defendants, or any of them are guilty, yet entertain a reasonable doubt as to the grade of the offense which they committed, that is whether guilty of murder as defined in instructions No. 1, 2 and 3, or voluntary manslaughter, as defined in instruction No. 4, then the jury will find the defendants or such of them as are guilty, if any, guilty of voluntary manslaughter, a lower degree of the offense charged.

No. 6. If the jury believe from the evidence, that when the defendant J. B. Lindle shot and killed Henry Taylor, if he did so, he had reasonable grounds to believe, either real or apparent, and did in good faith believe, he was then in imminent danger of losing his life or suffering great bodily harm at the hands of said Taylor or Will Cook acting in concert, if in concert, or at the hands of Taylor, and there was as it appeared to him, and as he believed, no other safe and apparent means of averting danger, then the defendant Lindle had the right and it was lawful for him, in the exercise of a reasonable judgment to use such force as was reasonably necessary, or apparently necessary to save his own life or protect his person from great bodily harm, even to the taking of the life of said Taylor; On such ground and under circumstances the defendant Lindle is excusable under the law of self defense; and if the jury find from the evidence that the defendant Johnson, McIntosh and Penrod, did aid, abet, encourage or assist the said Lindle in his defense or in the defense of themselves as defined in this instruction, then they are excusable under the law of self-defense or defense of another. The danger to one's life or great bodily harm to his person, which authorizes him to act in his own defense or defense of another as herein indicated, may be either real or apparent danger.

No. 7. If the jury believe from the evidence beyond a reasonable doubt that the defendant Lindle and any one or more of the other defendants formed a conspiracy to kill Taylor or inflict upon him great bodily harm, as defined in instructions No. 1 and 2, and had begun to execute said conspiracy, if any, or if the defendants or any of them sought Taylor with purpose to inflict bodily injury on him and began the assault or conflict with him, with a deadly weapon, then the defendants or such of them as engaged in such conspiracy, if any, or sought Taylor for the purpose of inflicting bodily punishment on him and began the assault or conflict as stated above, if they did so, cannot be excused on the ground of self-defense.

No. 8. The court says to the jury that the union miners had the right to assemble and march in a peaceable manner, and for a lawful purpose, for the advancement, benefit and increase of their order by peaceable persuasion and argument, but if they assembled or marched with the view or purpose of intimidating, alarming, disturbing or injuring any person or the property of any one, or to force by fear or alarm or threat, other miners from work, then said assembling and marching was unlawful.

No. 9. The mine operators and owners had the right to employ guards and it was lawful for them to protect the property of the persons in their employ from force or reasonable fear or alarm at the hands of union miners or others, and to use reasonable and lawful means to accomplish such purpose.

No. 10. If the jury believe from the evidence that said union miners had assembled at said place and had confederated or banded themselves together for the purpose of intimidating, alarming, disturbing or injuring any person or persons, or that they confederated or banded themselves together and went forth for the purpose of molesting, injuring or destroying any property of another, then in such state of case they were guilty of a felony and the deputy sheriff, Lindle, and other defendants summoned by him had the right and it was lawful for them to disperse such persons and to arrest them without a warrant, provided the defendant, Lindle, had reasonable grounds to believe and did in good faith believe said Henry Taylor and others with him, had committed or were committing a felony, and in such state of case it was the duty of Taylor and others to disperse if commanded and submit to arrest if required, and the defendants had the right to use such force as was reasonably necessary

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to make the arrest, and if the jury believe from the evidence that the defendant Lindle as deputy sheriff had reasonable grounds to believe that said Taylor and others acting in concert with him had confederated and banded themselves together for the purpose of alarming, intimidating, disturbing or injuring any person or persons, or the property of any person and were then going forth for such purpose then it was lawful for Lindle and his posse to arrest or attempt to arrest said Taylor and others with him, even though in fact they were not guilty of a felony; and if in attempting to do so he was assaulted by Henry Taylor or Cook or by both and he had reasonable grounds to believe either real or apparent, and did in good faith he was in imminent danger of losing his own life or suffering great bodily harm at the hands of said Taylor or others connected with him, then the defendant Lindle had the right and it was lawful for him, in the exercise of a reasonable judgment, to use such force as was reasonably necessary to save his own life or protect his person from great bodily harm even to the taking of the life of said Taylor. On such grounds and under such circumstances the defendant Lindle is excusable and the jury will acquit him. And if the jury find from the evidence that defendants, Johnson, McIntosh and Penrod, did abet or assist the said Lindle in his defense or in defense of themselves, as defined in this instruction then they are excusable and the jury will acquit them. The danger to one's life or great bodily harm to his person which authorizes him to act in his own self defense or in defense of another, as herein indicated may be real danger or apparent danger.

No. 11. An officer making an arrest shall inform the person about to be arrested of the intention to arrest him and of the offense charged against him for which he is to be arrested.

No. 12. Every fact and circumstance necessary to constitute the guilt of the defendants ought to be proved to the satisfaction of the jury beyond all reasonable doubt, and unless the defendants have been proved guilty beyond a reasonable doubt, the jury ought to find them or such of them as to whom they have such doubt, not guilty.

A Gentle Hint.

In our style of climate, with its sudden change of temperature—rain, wind and sunshine often intermingled in a single day—it is no wonder that our children, friends and relatives are so frequently taken from us by neglected colds, half the cases resulting directly from this cause. A bottle of Bosche's German Syrup kept about your home for immediate use will prevent serious sickness, a large doctor's bill, and perhaps death, by the use of three or four doses. For curing Consumption, Hemorrhages, Pneumonia, Severe Coughs, Croup, or any disease of the Throat or Lungs, its success is simply wonderful, as your druggist will tell you. Get a sample bottle free from St. Bernard's Dispensary, Earlington; Regular size 25 cents. Get Green's Prize Almanac.

Non-Union Men Stoned.

WILKESBARR, Pa., June 1.—Supt. Keith, of the Lehigh Valley Railroad Company, has appealed to Mayor Nichols for protection for the non-union machinists whom the company has brought here. Supt. Keith says the yard is besieged by breaker boys every evening, and the non-union men stoned.

Announced the Ball Game From Pulpits. LEXINGTON, Ky., June 3.—Probably the only baseball game ever announced from the local pulpits will be played this afternoon. Nines from two local papers will play for the benefit of the Y. M. C. A. building fund.

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CAPITAL STOCK.....\$ 25,000 00
RESERVE SURPLUS.....125,000 00
AMOUNT PAID COUPON HOLDERS.....200,000 00

Address all correspondence to

HOME OFFICE, LEXINGTON, KY.

GOOD TERMS TO FIRST CLASS AGENTS.

DOCTORS

say "Consumption can be cured." Nature alone won't do it. It needs help. Doctors say

"Scott's Emulsion"

is the best help. But you must continue its use even if not weather.

If you have not tried it, send for free sample. SCOTT & BOWNE, Chemists, 312 Pearl Street, New York. Send for it, it will do you good.

SHORT LOCALS.

Sunday was the annual footwashing and communion day at Flat Creek Church. The day was perfect and a large crowd was present. Earlington was represented by a good-sized delegation.

The remains of the late Gerald Stokes, of Mortons Gap were laid to rest in the Earlington cemetery Sunday afternoon. The little fellow was about two years old and the only son of Mr. and Mrs. Taylor Stokes. The young parents have the sympathy of many in their sad bereavement.

New Church Dedicated.

Hopkinsville, Ky., June 2.—The new Christian church at Pembroke, South Christian, was dedicated with impressive services today. There was a large attendance. A basket dinner was served on the grounds. The Rev. Dr. E. M. Rains, of Cincinnati, delivered the dedicatory sermon.

Huckleberry Ridge Items.

On last Sunday evening a week ago, as Misses Meredith and Emma Bennett and Messrs. Mack Clark were driving down a steep hill near Empire, a part of the harness gave away. The horse became frightened and threw the occupants to the ground. They were all considerably bruised, but none seriously injured.

Misses Meredith Bennett and Zelma Loyell spent Saturday and Sunday with friends near Empire.

A. J. Bennett, of Empire, spent Sunday evening with his brother, John Bennett.

Mr. Wilson, of Heart Company, is visiting here this week.

Misses Ozle and Lonnie Denton spent Saturday night at W. C. Loyell's.

Mr. and Mrs. Welch, of this place, are visiting their daughter near Hopkinsville this week. BRIDGE.

PERSONAL.

J. S. Wilson, of Sturgis, visited relatives here several days last week.

Mrs. Curtis Lane and children and Billie Fugate are visiting relatives at Lismann.

Mrs. D. W. Payne, of Providence, and Misses Annie and Fannie Baker, of Lismann were in the city Saturday. Misses Baker were on their way home from Richmond, where they have been attending Madison College.

Mesdames D. C. Williams and P. A. Jones were in Madisonville Monday.

Mrs. Wm. McCarley and son, Waverly, went to Morganfield yesterday, for a visit to the family of Mrs. William Hughes.

Mrs. J. Will Robinson and son and Misses Maggie and Laura Fenwick were in Madisonville Monday afternoon.

Mrs. Elmer Orr and children are visiting relatives in Louisville this week.

Ben L. Rash has returned from school at Beechmont to spend vacation with his father.

Mrs. Will Vickers, of Madisonville, was in Madisonville, visited Mrs. J. L. Jackson this week.

Misses Sallie Brown and H. E. Brooks, of Madisonville, attended the closing exercises of the Public School, Monday evening.

Rev. E. B. Bourland was in the city Monday evening.

Mrs. W. C. Edmonson was in Madisonville shopping one day this week.

Miss Gertrude Caviness visited friends in Henderson a few days last week.

Mrs. George C. Atkinson and daughters left Saturday morning for the East. They will attend the Commencement exercises of Swathmore College, and will return next week accompanied by Miss Susan Atkinson who graduates from that college this term.

Rev. B. M. Currie is in Elkton this week attending the Commencement Exercises of the Elkton College.

Mrs. Vie Davis, of Paducah, is visiting the family of her son, Dr. P. B. Davis.

Oscar McEuen, of Sacramento, visited relatives here this week.

Percy Miller, of Madisonville, was in the city on business Tuesday.

Miss Flora Wilson Dead.

Miss Flora Wilson, of this city, died early Sunday morning, after a lingering illness of about fifteen months' duration. She was the second daughter of Mrs. Theo. Wilson, and was born October 25, 1877. She had been a consistent member of the Christian church for seven years. The remains were interred at 5 o'clock in the Earlington cemetery Sunday afternoon. The bereaved mother and brothers and sisters have the sympathy of all.

Alfred Wilson, a brother of the deceased, is also very low with consumption.

Deafness Cannot be Cured

by local applications, as they cannot reach the diseased portion of the ear. There is only one way to cure deafness, and that is by constitutional remedies. Deafness is caused by an inflamed condition of the mucous Eustachian Tube. When this tube gets inflamed you have a running sound or imperfect hearing, and when it is entirely closed deafness is the result, and unless the inflammation can be taken out and this tube restored to its normal condition, hearing will be destroyed forever, nine cases out of ten are caused by catarrh, which is nothing but an inflamed condition of the mucous surfaces.

We will give One Hundred Dollars for any case of Deafness (caused by catarrh) that cannot be cured by Hall's Catarrh's Cure. Send for circulars.

F. J. CHENEY & Co., Toledo, O. Sold by Druggists, 75c. Hall's Family Pills are the best.

Mrs. Matilda Gentry.

Mrs. Matilda Gentry, an aged lady, died at the residence of her daughter, Mrs. Dan Wilson, in Madisonville, and was buried the day following in the cemetery at this place. Rev. G. W. Lyon, of Madisonville, conducted the funeral services. Mrs. Gentry is well known here, having resided here for a number of years, and is the mother of Charles and Jasper Gentry.

A Good Cough Medicine.

It speaks well for Chamberlain's Cough Remedy when druggists use it in their own families in preference to any other. "I have sold Chamberlain's Cough Remedy for the past five years with complete satisfaction to myself and customers," says Druggist J. Goldsmith, Van Etten, N. Y. "I have always used it in my own family, both for ordinary coughs and colds and for the cough following a gripe, and find it very efficacious." For sale by St. Bernard Druggists, Earlington; Ben T. Robinson, Mortons Gap; George King, St. Charles.

Steel Works for Ashland.

Ashland, Ky., June 2.—The Ashland Sheet Mill Company, has been organized in this city. The company is capitalized at \$250,000 and will employ between 400 and 500 men.

Mrs. Maggie Hooper Sends a Message.

Jeffersonville, Ind., May 15, 1900. My dear friends—Dear Friends—I was bothered with Stomach Trouble and Dyspepsia for years. Druggists helped me until I tried your grand Dr. Caldwell's Syrup Pepsin, and now I feel like a new woman. You this place, I wish that others may learn of the great benefit of your cure. Sincerely yours, Mrs. Maggie Hooper.

One more paper by the name of Democracy will soon be launched at Frankfort. This makes probably thirty papers in the state, bearing that name.

Nothing equal to PRICKLY ASH BITTERS for removing that sluggish bilious feeling, so common in hot weather. It creates strength, vigor, appetite and cheerful spirits. St. Bernard Druggists.

The Tennessee Coal, Iron and Railroad Company, of Birmingham, Ala., has ordered an additional bond issue of \$3,000,000 for the purpose of making extensive improvements in its plants.

Men may differ on politics, religion or finance, but all who have tried Banner Salve are agreed as to its worth for cuts, burns, sores, piles and skin diseases. It's the most healing medicine in the world.

Never begin a good natured talk with a man who has just started a fire that threatens to go out.—Aitchison Globe.

Health for 10 Cents.

A lively liver, pure blood, clean skin, bright eyes, perfect health—Cascara Candy Cathartic will obtain and secure them for you. Genuine tablets stamped C. C. C. Never sold in bulk. All druggists, 10c.

Chesley Williams,
F. D. Ramsey,
C. J. Pratt,
W. A. Nisbet,
C. E. Owen,

Directors.

HOPKINS COUNTY BANK

Incorporated 1890.

MADISONVILLE, KENTUCKY.

Capital \$50,000. Surplus \$5,500.

Iron Hill Monday.

This section was visited with a fine rain May 30th, which greatly revived growing crops and furnished farmers with a good tobacco season which was very much appreciated.

Mr. Theodore Wyatt, of Hopkins County, was through this vicinity last week selling patent medicines.

Ed Murray, son of W. N. Murray, of Caldwell County, is reported to be dead. He died with the dreadful disease consumption.

Mrs. Mattie Heard, of Gladys Grove, visited relatives here last Monday.

Grasshoppers are plentiful here and are playing havoc with tobacco. Mack Horning and wife, of Shady Grove, visited Mrs. Ada Kemp, of this place Saturday.

George D. Kemp and family visited his sister Mrs. Brantley last week.

Reputy Warden Olive, of Eddyville was in Marion Monday.

Mrs. R. A. Moore left Marion Monday for Jonesboro, Ark., where she will spend several weeks with relatives.

Mr. Alexander has extended his telephone lines to Hampton, and that little city is now on the Marion exchange.

Senator Deboe has returned from New York City and Washington.

John Feland, of Hopkinsville, was in Marion Tuesday to see Senator Deboe.

In the June term of Circuit Court, Mrs. Joana Murray, wife of Henry Murray, will through her attorneys file suit against her husband for divorce and alimony.

Quarterly meeting will be held at Wilson Chapel Saturday and Sunday June 15th and 16th. Rev. J. D. Walsh, presiding elder, will do the preaching.

R. M. Riley is our genial Republican candidate for magistrate. He is quite hopeful and says chances are good for a Republican victory this fall, both in this precinct and county.

Your correspondent accompanied by several friends spent Saturday on Tradewater angling for the flaky trout without much success, however.

L. B. Phillips, of Bell's Mines, says he has the finest thirty-two acre field of wheat in the east end of the county.

Mrs. W. D. Loyd left Marion last week for West Finley, Penn., where she will spend several weeks with her son, Rev. J. B. Lamb.

Harvey Gill returned last week from Texas, where he has been for some time, and is visiting relatives in this county. He will return to Texas in a few days.

Thanking the Bordley correspondent for the welcome extended me, I will say, while my note is not as fluent as some others, I will try to write something that will be of interest to the readers of THE BEE. J. E. R.

How it is Done.

The first object in life with the American people is "to get rich," the second, how to retain good health. The first can be obtained by energy, honesty and saving; the second, (good health) by using Green's August Flower. It is a dependant sufferer from any of the effects of Dyspepsia, Liver trouble, Biliousness, Indigestion, etc., such as Sick Headache, Palpitation of the Heart, Sour Stomach, Habitual Constipation, Dizziness of the Head, Nervous Prostration, Low Spirits, etc., you need not suffer another day. Two doses of the well-known August Flower will relieve you at once. Get to St. Bernard Druggists, Earlington, Ky., and get a sample bottle free. Regular size, 75 cts. Get Green's Prize Almanac.

House Wanted.

I want to rent a small home in Earlington where I can live and conduct my business as a tailor. 90ma2 P. F. WINGERT.

A car load of peaches was received at Louisville from Florida yesterday, being the first of the year. The crop in the Southern states is very good this year, as no injury was done by the frost.

E. W. Brown

This signature is on every box of the genuine Laxative Bromo-Quinine Tablets the remedy that cures a cold in one day

J. D. Harmon, secretary of the Enterprise Insurance Company, which Insurance Commissioner Chennault has been investigating, says that the company would probably be forced into liquidation.

A fatal policy is to neglect a backache or other sign of kidney trouble. Foley's Kidney Cure is a sure remedy for Bright's disease, diabetes and gravel. Jno. X. Taylor.

The Brown Democrats and the Republicans in Warren county will probably fuse on a legislative ticket.

Educate Your Bowels With Cascara Candy Cathartic, cure constipation forever. No. 26. If C. C. C. fail, druggists refund money.

Arbuckles' famous Roasted Coffee



The low price at which Arbuckles' famous roasted coffee can be sold is made possible by its enormous sale. It should not be classed with the inferior imitations sold at a cent a pound less than Arbuckles'. It has a quality greatly superior to these imitations and makes many more cupsful to the pound. No other firm in the world can buy coffee to so good advantage as the producers of Arbuckles' Coffee. No other coffee is cleaned, roasted or blended with such great care and skill. When you buy Arbuckles' you get better quality and greater value than you can get in any other coffee at anywhere near the same price.

You also get with each package a definite part in some useful article.

Full information with each package. Save the signatures.

ARBUCKLE BROS.
Notion Dept.
New York City, N. Y.

Gone to Sturgis.

Elder I. H. Teel, formerly of this place, but who has for the past year resided at Paducah, has accepted a call from the Christian church at Sturgis, and has moved his family to that city. The church at that place is in a flourishing condition, and requires the full time of a minister.

Stoutsville, Mo., May 5, 1900. Gentlemen—I have been troubled with indigestion and Constipation for the last two years, and have tried every remedy known, but had never received the relief I desired. I was handed a trial bottle of Dr. Caldwell's Syrup Pepsin through our druggist, J. W. Watson, which gave me immediate relief, and I afterward bought a fifty cent bottle, which I can truly say has given me more relief than anything I have ever tried.—R. B. Hurd.

Sold by St. Bernard druggist.

A Connecticut man claims to have discovered a sure cure for cancer. It consists in eating boiled corn and drinking the water in which it is boiled.

LOOK A STITCH IN TIME

Saves nine. Hughes' Tonic (taste pleasant), taken in early Spring and Fall prevents Chills, Dengue and Malarial Fevers. Acts on the liver, tones up the system. Better than Calomel and Quinine. Contains no Arsenic. Guaranteed, try it. At Druggists, 50c. and \$1.00 bottles.

The officials of Calhoun have arrested J. B. Holden, who is wanted at Clarksville, Tenn., on the charge of making off with a horse and buggy, which he hired from a livery firm several months ago.

FATAL mistakes are made by those who do not heed the earlier symptoms of kidney or bladder trouble, that often end in Bright's disease or diabetes. When Foley's Kidney Cure makes the kidneys well, how foolish it is to delay. John X. Taylor.

This is the college commencement season in Kentucky and exercises will be held at twenty institutions during the week.

For two years Ira W. Kelley, of Mansfield, Pa., was in poor health on account of kidney trouble. He consulted several physicians and spent considerable money for medicine without obtaining relief until he tried Foley's Kidney Cure and now writes, "I desire to add my testimony to the wisdom of the wise of aiding others. Jno. X. Taylor."

Subscribe for THE BEE, \$1 per year.

The Platonic Love Letters of Charles Dickens.

For more than fifty years an English woman (who is still living) has cherished a little sheaf of letters written by Charles Dickens. These charming letters show the novelist in a new part—that of the successful matchmaker. They tell the story of another man's courtship and show how the writer spurred a faint heart into winning a fair lady. They will be printed for the first time—in the Saturday Evening Post for June 15.

QUICK RELIEF FOR ASTHMA. Miss Maudie Dickens, Parsons, Kans., writes: "I suffered eight years with asthma in its worst form. I had several attacks during the last year and was not expected to live through them. I began using Foley's Honey and Tar and it has never failed to give relief. John X. Taylor.

The June Magazine number of the Outlook, which is its annual Recreation Number, contains an article of extreme value by Philip W. Ayres, on the "Forester and His work." Mr. Ayres tells of the life of the forest, its importance to mankind, and of the tracts of forest land that already have been reserved, and it is hoped will be reserved, by the Government. The article is illustrated by photographs of trees, woodland and forests of the West and South. (43 a year. The Outlook Company, 287 Fourth Avenue, New York)

No man can work well with a torrid liver or constipated bowels. A few doses of PICKLY ASH BITTERS will quickly remove this condition and make work a pleasure. St. Bernard Druggist.

According to the report of the State Board of Equalization, the value of taxable property in Kentucky has increased \$14,982,158 during the past year.

Card of Thanks.

I wish to thank our many friends, both white and colored, for their kindness shown us during the illness and since the death of my dear husband. I assure you that each of you shall ever have the prayers of a Christian woman.

Very respectfully,
CARRIE M. ALEXANDER.

Subscribe for THE BEE, \$1 per year.

CALIFORNIA

First-Class Sleepers Daily

Between

CHICAGO & SAN FRANCISCO

Without Change

Are carried on the Limited

Trains of the



D. & R. G.—R. G. W.—Southern Pacific—Best Scenery of the Rockies and Sierra Nevada.

By Daylight in Both Directions.

Best Dining Car Service. Buffet Library Cars. Send for "Chicago to California" describing the journey through.

LOW RATE

PERSONALLY CONDUCTED TOURIST

EXCURSIONS

To San Francisco and Los Angeles.

Leave Chicago Tuesdays via

Scenic Route.

Leave Chicago Thursdays via

Scenic Route.

Leave Chicago Tuesdays via

Southern Route.

Improved Tourist Cars.

Fast Trains.

Write for Itinerary and

Tourist Dictionary.

JOHN SEBASTIAN, G. P. A., CHICAGO.

F. V. ZIMMER,

Attorney-at-Law,

MADISONVILLE, KY.

Will practice in the Courts of Hopkins and adjoining counties.

JOB WORK

Will receive prompt attention at this office. Estimates furnished upon application.

Foley's Honey and Tar

for children, safe, sure. No opiates.

says that Klansenger told him. Where a Klansenger? I heard the orders of his court read this morning, and I heard from the records that Klansenger and this negro Chappell were allowed ten dollars as attendance fees as witnesses in this case. Cue Woods

